

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6384 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

CHANDUBHAI J PAGI & ANR.

Appearance:

MR SM MAZGAONKAR for the Petitioner

MR HK RATHOD for Respondent No. 1

MR ND GOHIL for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/09/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. Challenge is made by the Corporation in this Special Civil Application to the order dated 28-2-1984 passed by the respondent no.2 refusing thereunder to grant the approval to the dismissal of the respondent no.1. Having gone through the order passed by the respondent no.2 impugned in this Special Civil Application, I do not find any

illegality therein which calls for any interference of this Court under Article 227 of the Constitution of India.

2. One of the ground has been given by the respondent no.2 not to grant the approval to the dismissal of the respondent no.1 was that the application has been made on 10th May, 1983. The order of the dismissal of the respondent no.1 has been made on 5th May, 1983 and this application is filed on 10th May, 1983. Delay in filing of the application was held fatal in the present case by the respondent no.2. In para no.3 of this Special Civil Application the petitioner has come up with a case that the application for approval was delayed because the competent authority wanted to be sure as to whether the order was communicated to the respondent no.1 or not. The petitioner has very conveniently avoided to give the date on which the order dated 5th May, 1983 was served to the respondent no.1. The petitioner has admitted that the respondent no.1 had approached to the Labour Court by filing Application No.77/83 challenging thereunder the order of his dismissal from services and admittedly this application has been filed on 7-5-1983 by the workman. From this admission, the dispute no more remains that the order of the dismissal of the services of the respondent no.1 has been served upon him either earlier to 7th May, 1983 or in all the eventualities on 7th May, 1983. The petitioner filed application under sec. 33(2)(b) on 10th May, 1983. Delay in filing of the application was not satisfactorily explained and this ground of rejection of the application given by respondent no.2 is not illegal or arbitrary. The order of the respondent no.2 even on this ground alone is unquestionable, and as such, I do not consider it necessary to go on other grounds given by the said authority in support of its order.

3. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged.

zgs/-